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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOE'S JEANS SUBSIDIARY, INC., and JOE'S JEANS, INC.,	:	
Plaintiffs and Counterclaim Defendants,	:	No. 08-cv-03248
-against-	:	
MAGGY LONDON INTERNATIONAL, LTD.	:	<b>NOTICE OF MOTION FOR EXPEDITED DISCOVERY</b>
Defendant and Counterclaim Plaintiffs.	:	

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in support of this motion and the annexed declaration of Marc B. Crossman, plaintiffs Joe's Jeans Subsidiary, Inc., and Joe's Jeans, Inc., will move this Court before the Honorable Robert W. Sweet, United States District Judge, at Courtroom 18C, 500 Pearl Street, New York, New York 10007, at 12:00 p.m. on the 4th day of June, 2008, or as soon thereafter as counsel may be heard, for an order pursuant to Federal Rule of Civil Procedure 26(d) for expedited discovery in this matter.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1(a) and Federal Rule of Civil Procedure 6, opposition papers to this motion are due no later than four (4) business days after the filing of this motion on the ECF system, with reply papers due one (1) business day after receipt of the opposition papers.

PLEASE TAKE FURTHER NOTICE that a proposed order for expedited discovery is annexed to this motion.

/s/ John C. Re, Esq.

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and

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Attorneys for Plaintiffs/Counterclaim Defendants

Dated: May 14, 2008

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOE'S JEANS SUBSIDIARY, INC., and JOE'S JEANS, INC.,	:	
Plaintiffs and Counterclaim Defendants,	:	No. 08-cv-03248
-against-	:	<b>DECLARATION OF MARC B. CROSSMAN</b>
MAGGY LONDON INTERNATIONAL, LTD.	:	
Defendant and Counterclaim Plaintiffs.	:	

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I, Marc B. Crossman, hereby declare under penalties of perjury:

1. I am the Chief Executive Officer of Joe's, Inc. ("Joe's Jeans"), co-plaintiff and counterclaim co-defendant in this action.
2. I have been the Chief Executive Officer of Joe's Jeans since January, 2006. Prior to that time, I served as President of Joe's Jeans and was on the Board of Directors of Joe's Jeans. From March 2003 to August 2007, I also served as Chief Financial Officer of Joe's Jeans.
3. I am fully familiar with the facts set forth in this Declaration.
4. I make this Declaration in support of the motion for expedited discovery of plaintiffs Joe's Jeans Subsidiary, Inc., and Joe's Jeans, Inc. (collectively "Plaintiffs").
5. Plaintiffs have used the trademark "Joe's" in connection with their denim jeans since at least as early as July, 1996.
6. Plaintiffs design, source and sell their "Joe's" and "Joe's Jeans" branded products to over 1,200 retail doors in the United States and abroad.
7. Plaintiffs' "Joe's" branded jeans have gained widespread recognition and received repeated and numerous mentions since the brand launched about twelve years ago.

8. The brand is regularly featured in widely distributed fashion magazines such as *Cosmopolitan*, *InStyle*, *Glamour*, *Real Simple*, and *People*. In these magazines, Plaintiff's premium jeans are often identified as being worn by well-known celebrities such as Tom Cruise, Will Smith, and Katie Holmes.

9. Plaintiffs' premium denim jeans sold under the "Joe's" brand are typically priced between \$160 and \$300.

10. Plaintiffs' products are designed internally and sourced to specification from suppliers primarily located in the U.S., Mexico and Morocco. Plaintiffs' finished goods are then distributed directly to Plaintiffs' customers from its distribution center in Los Angeles.

11. Plaintiffs maintain third party showrooms in New York and Los Angeles to showcase these products. Plaintiffs have recently opened a branch office in Paris to distribute products in Europe.

12. Plaintiffs began offering, in 2003, jeans in several different "fits" or "styles," *i.e.*, to correspond to the different body types and fit preferences of its customers. Plaintiffs adopted several named designations to correspond to its various fits, including, "Cigarette" (a straight leg jean), "The Honey" (a curvy fit jean), "Socialite" (a classic fit jean), "Rocker" (a flared bottom jean), "Twiggy" (a tall fit jean), "Provocateur" (a petite fit jean), and "Muse" (a high-waist fit jean).

13. Plaintiffs currently offer ten fits for their "Joe's" and "Joe's Jeans" branded jeans, of which "Muse" is one.

14. Plaintiffs have used the "Muse" designation continuously since at least as early as November 2004, and Plaintiffs' "Muse" high-waist fit jean sold under the "Muse" designation

has enjoyed substantial commercial success. Plaintiffs' approximate total sales of its 'Muse' fit of "Joe's" branded jeans since 2004 has been \$24,838,000.

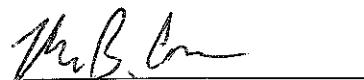
15. Plaintiffs did not adopt the fits discussed in the preceding paragraphs as stand-alone brands, but as fit or style classifications falling under the already established and well-recognized "Joe's" and "Joe's Jeans" brands.

16. The fit names appear primarily only in Plaintiffs' promotional materials for the jeans and on the "tear-away" tags that are attached to the exterior of Plaintiffs' jeans, but removed after the jeans are purchased or worn.

17. Purchasers of Plaintiffs' jeans are not attracted to the fit names; rather, they are attracted to the established "Joe's" and "Joe's Jeans" brands.

18. Purchasers of Plaintiffs' jeans use the various fit names merely to identify their preferred fit or style of the jeans sold under the "Joe's" and "Joe's Jeans" brands and only become familiar with the fit names after having first become familiar with Plaintiffs' "Joe's" and "Joe's Jeans" brands.

Executed on May 14, 2008



Marc B. Crossman

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOE'S JEANS SUBSIDIARY, INC., and JOE'S  
JEANS, INC.,

Plaintiffs and Counterclaim Defendants,

-against-

MAGGY LONDON INTERNATIONAL, LTD.

Defendant and Counterclaim Plaintiffs.

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... : No. 08-cv-03248

... : **ORDER FOR EXPEDITED  
DISCOVERY**

Upon consideration of the motion for expedited discovery of plaintiffs/counterclaim defendants Joe's Jeans Subsidiary, Inc., and Joe's Jeans, Inc., the annexed declaration of Marc B. Crossman, the accompanying Memorandum of Law, and any opposition thereto,

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2008,

ORDERED that Plaintiffs' motion be and hereby is granted; and it is further

ORDERED that Plaintiffs may serve immediate discovery upon Defendant Maggy London International, Ltd., in connection with opposing Defendant's Motion for Preliminary Injunction.

Dated:

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UNITED STATES DISTRICT JUDGE